

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

JAMES BAILEY,

Plaintiff,

vs.

MIKE LAMON and LEE RISDON,

Defendants.

**Case No.** CV-11-0461-RHW**CIVIL MINUTES  
JURY TRIAL – DAY ONE****DATE:** November 5, 2012**LOCATION:** SPOKANE

<b>JUDGE ROBERT H. WHALEY</b>		
Michelle Fox <b>Courtroom Deputy</b>	Lynn Robinson <b>Law Clerk</b>	Ronelle Corbey <b>Court Reporter</b>
Julie Anderson <b>Plaintiff's Counsel</b>		Daniel Bugbee Mark Johnsen <b>Defendants' Counsel</b>

**Interpreter**☒ **Open Court**☐ **Chambers**☐ **Telephonic**

8:30 am - COURT addresses jury instructions with counsel.

J. Anderson outlines several objections to instructions. Argues adding plaintiff's proposed instructions.

D. Bugbee outlines objections and responds. Verdict form addressed.  
**COURT addresses counsel.**D. Bugbee asks to use a Power Point for opening. J. Anderson objects to several items on the power point.  
**COURT addresses counsel.**

COURT will select 7 jurors. Jury selection discussed.

9:00 am - Jury selection begins. Qualification Oath given to jury. Voir dire begins. Challenges for cause argued.

10:40 am - Jury selection completed. 10:45 am – Recess.

10:55 am – Jury reconvenes. **COURT gives jury oath.** Preliminary instructions given to the jury.

11:10 am - Opening statement by J. Anderson. 11:30 am – Opening statement by D. Bugbee.

**James Bailey** is sworn in and questioned by J. Anderson. D. Bugbee several objections. **COURT rules on objections.**

Side bar conducted.

Direct continues of **James Bailey**. D. Bugbee several objections. **COURT rules on objections.**

Side bar conducted.

Direct continues of **James Bailey**. **COURT marks photographs as Exh. 29-1 to Exh. 29-8.** Defendant does not object. Exh. 29-4, 29-5 shown to jury. **COURT admits Exh. P 29-1 to P29-8 without objection.** Exh. 29-6, 29-7, 29-8, 29-2, 29-3, 29-1 shown.

Recess 1:00 pm – 2:00 pm

Jury reconvenes.

Side bar conducted.

2:15 pm - D. Bugbee cross examines **James Bailey**. D. Bugbee moves to publish deposition. **COURT marks deposition as Exh. 30 and publishes deposition.** J. Anderson several objections. **COURT rules on objections. COURT instructs jury.** Exh. 29-8 shown. Exh. 31 marked and used as impeachment. J. Anderson objects. D. Bugbee moves to admit Exh. 31. **COURT takes under advisement.**

2:30 pm – Redirect. Exh. 60 marked and shown. Offer Exh. 60. **COURT admits Exh. 60 and Exh. 31 without objection.** D. Bugbee several objections. **COURT rules.** Witness excused at 2:55 pm.

Side bar conducted.

**Laura Deskin** is sworn in and questioned by J. Anderson. M. Johnsen several objections. **COURT rules.** Exh. 29-1 shown. M. Johnsen objects. **COURT instructs witness.** M. Johnsen objects. **COURT instructs jury on testimony.** M. Johnsen objects. **COURT instructs counsel.** M. Johnsen several objections. **COURT rules.**

3:25 pm – M. Johnsen cross examines witness. M. Johnsen moves to publish deposition. **COURT publishes deposition and marks as Exh. 32.** J. Anderson several objections. **COURT rules.**

3:52 pm – Redirect. M. Johnsen several objections. **COURT rules.** Witness excused at 3:58 pm.

Recess 3:58 pm – 4:08 pm

J. Anderson addresses the Court regarding tasers. D. Bugbee responds. **COURT questions counsel.** D. Bugbee responds. J. Anderson responds. **COURT questions counsel.** J. Anderson responds. D. Bugbee responds. J. Anderson responds. **COURT rules.**

4:28 pm – Jury reconvenes.

**Michael Lamon** is sworn in and questioned by J. Anderson. Exh. D24 shown. D. Bugbee several objections. **COURT rules.** Witness excused at 4:50 pm.

**Lee Risdon** is sworn in and questioned by J. Anderson. J. Anderson moves to publish deposition. **COURT publishes deposition and marks as Exh. 61.** Witness excused at 5:10 pm.

Jury Recess 5:10 pm. Reconvene tomorrow at 8:00 am.

Witnesses discussed. J. Anderson presents argument. D. Bugbee responds. **COURT rules.**

Recess 5:22 pm. Reconvene tomorrow at 8:00 am.

CONVENED: 8:30 AM 10:55 AM 2:00 PM 4:08 PM	ADJOURNED: 10:45 AM 1:00 PM 3:58 PM 5:22 PM	TIME: 2 HRS. 15 MIN. 2 HRS. 5 MIN. 1 HR. 58 MIN. 1 HR. 14 MIN. = 7 HRS. 32 MIN.	
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